IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31470 of 2007(U)

PETITIONER:

JAYA.S., "SHIVAM' H.NO. 46 (A)
SUBHASH NAGAR, SANTHANAPURAM, ALAPPUZHA.

BY ADV. SRI.M.NARENDRA KUMAR

RESPONDENTS:

1. THE UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR
OFFICE OF THE UNIVERSITY OF KERALA
THIRUVANANTHAPURAM.

2. THE UNIVERSITY GRANTS COMMISSION
REPRESENTED BY ITS SECRETARY
BAHADUR SHAH ZAFAR MARG,
NEW DELHI-110 002

3. STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

4. THE MANAGER
S.D. COLLEGE
ALAPPUZHA-688 033.

BY ADV. SRI.M.RAJAGOPALAN NAIR SC
BY GOVT. PLEADER SHRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C).No. 31470 OF 2007 U

Dated this the 23rd October, 2007.

JUDGMENT

The petitioner is challenging Ext.P2 order of the University wherein while amending the University Regulations in tune with Ext.P1 amendment of the regulations of the University Regulations in tune with Ext.P1 amendment of the regulations of the University Grants regarding fixation of qualifications for appointment to the post of Lecturers, the exemption from NET qualifications granted to M.Phil degree holders for undergraduate level teaching has been omitted.. This question was considered by me in a batch of writ petitions (W.P (c) Nos: 17751 of 2007 and connected cases) and I have held that in so far as there is no separate cadre of under Graduate Lecturers in Kerala, the exemption granted to M.Phil degree holders from NET qualification for Under Graduate level Lecturers would not be applicable to the State of Kerala, even if the omitted clause had been included in the amended regulations.

2. On that reasoning, I held that assuming that even in colleges having p.G. studies also, such teachers can be restricted to teaching UG Courses only, it would be impracticable for the UGC, University and Government authorities to ensure that such teachers are deputed to teach UG Courses only. In fact, the ultimate result of allowing the same would be chaos and resultant lowering of standards of education in the State, the prevention of which is the object and purpose of the UGC Act and the UGC regulations. Therefore a more harmonious and purposeful construction, which would advance the object of the

UGC Regulations would be that the exemption granted to M.Phil degree holders from NET for UG level teaching would be applicable only in States where there are collegiate service consisting of two separate cadres of lecturers, one exclusively for UG level teaching and the other for PG level teaching or composite UG and PG level teaching. Since in Kerala, there is only one cadre which is a composite cadre for UG level and PG level teaching, the exemption granted to M.Phil degree holders from NET for UG level teaching would not apply to selection and appointment of lecturers in collegiate service in Kerala both in the Government and private sector and therefore, the exclusion or inclusion of the exemption to M.Phil degree holders from NET for UG level teaching in the Regulations would not make any difference, the result of which is that the exclusion of the same in the regulations of the Universities in Kerala is not inconsistent with the UGC Regulations. In fact the fact that in the Kannur University and the Sree Sankaracharya University, the UGC Regulations as such have been adopted would not authorise selection of lecturers not possessing NET of Ph.D, even if they possess M.Phil Degree.

Following the said decision this writ petition is dismissed.

S. SIRI JAGAN
Judge

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